

VZCZCXYZ0000
OO RUEHWEB

DE RUEHC #0456 1622052
ZNR UUUUU ZZH
O 112015Z JUN 09
FM SECSTATE WASHDC
TO AMEMBASSY VIENTIANE IMMEDIATE 0000

UNCLAS STATE 060456

SIPDIS

E.O. 12958: N/A
TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [LA](#)
SUBJECT: LAOS -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. (A) STATE 59732
[1](#)B. (B) STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Laos of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Laos and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Laos of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

17. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

18. Begin Final Text of Laos,s country narrative in the 2009 TIP Report:

LAOS (TIER 2)

Laos is primarily a source country for women and girls trafficked primarily to Thailand for the purposes of commercial sexual exploitation and forced labor as domestic or factory workers. Some Lao men, women, and children migrate to neighboring countries in search of better economic opportunities but are subjected to conditions of forced or bonded labor or forced prostitution after their arrival. Lao men who migrate willingly to Thailand are sometimes subjected to conditions of involuntary servitude in the Thai fishing and construction industry. Women who migrate to Thailand are more likely to rely on recruitment agents and incur debt, increasing their likelihood of becoming trafficking victims. A small number of female citizens were also reportedly trafficked to China to become brides for Chinese men. Ethnic minority populations in Laos are particularly vulnerable to trafficking because of their lack of Thai language skills and unfamiliarity with Thai society. Laos is increasingly a country of transit for Vietnamese, Chinese, and Burmese women destined for Thailand) including trafficked women) due to the construction of new highways and the acceleration of infrastructure projects linking the People,s Republic of China, Vietnam, Thailand, and Cambodia through. There were new reports of Vietnamese women trafficked to Laos by Vietnamese organized crime gangs for forced prostitution in the Vietnamese community. Internal trafficking is also a problem that affects young women and girls who are forced into prostitution in urban areas.

The Government of Laos does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the last year, the government increased efforts to investigate trafficking offenses and prosecute and punish trafficking offenders. It also sustained collaboration with international organizations and NGOs to provide training for government and law enforcement officials, repatriate and reintegrate Lao victims, and conducting public awareness campaigns. A severe lack of resources, poor training of officials, and an ongoing corruption problem remain key impediments to the government,s ability to combat trafficking in persons. The government continued to be largely dependent upon the international donor community to fund anti-trafficking activities in the country, though it continued to restrict greatly the activities of NGOs, which impeded progress in anti-trafficking efforts.

Recommendations for Laos: Increase efforts to combat internal trafficking, including the prosecution of traffickers and identification of Lao citizens trafficked within the country; create and implement formal victim identification procedures and train police and border officials to identify trafficking victims; increase efforts to combat trafficking-related complicity; implement and support a visible anti-trafficking awareness campaign directed at clients of the sex trade; and improve collaboration with international organizations and civil society to build capacity to combat trafficking in persons.

Prosecution

The Lao government demonstrated some progress in its anti-trafficking law enforcement during the reporting period.

Laos prohibits all forms of human trafficking through Penal Code Article 134, which was revised in 2006. The prescribed penalties under Article 134, which are five years to life imprisonment, are sufficiently stringent and commensurate with those punishments prescribed for rape. In 2008, Lao judicial authorities convicted 15 individuals of trafficking.

Several sentences imposed on convicted traffickers during 2008 consisted of one year's imprisonment. An additional 53 cases are currently under investigation. Police corruption, a weak judicial sector and the population's general distrust of the court system impede anti-trafficking law enforcement efforts. Corruption remains a problem with government officials susceptible to involvement or collusion in trafficking in persons. Observers of trafficking in Laos believe that at the local level, it is almost certain that some officials are involved in facilitating human trafficking, sometimes in collusion with their Thai counterparts. There is also evidence that border officials permit smuggling of all kinds, including of humans. However, no government or law enforcement officials have ever been disciplined or punished for involvement in trafficking in persons. The Lao government collaborated with international organizations and NGOs to increase law enforcement capacity through training for police, investigators, prosecutors, and customs and border officials. Through legal aid clinics, the Lao Bar Association is currently assisting ten victims of trafficking.

Protection

The Lao government demonstrated a mixed record in ensuring trafficking victims, access to protective services during the year. The Ministry of Labor and Social Welfare (MLSW) and Immigration Department continued to cooperate with IOM, UNIAP, and a local NGO to provide victim assistance. The MLSW, with NGO funding, also continued operating a small transit center in Vientiane, where identified victims returning from Thailand remain for one week before returning home. Victims not wanting to return home are referred to a long-term shelter run by the Lao Women's Union or to a local NGO. Victims repatriated to Laos by Thai authorities are accompanied by case files written in Thai, which Lao officials are sometimes unable to read. The government does not penalize victims for unlawful acts committed as a direct result of their being trafficked. During 2008, 235 formally identified victims of cross-border trafficking were identified in Thailand and repatriated to Laos. The government did not identify any victims of internal trafficking. The government provides medical services, counseling, vocational training, and employment services for victims in its transit shelter in Vientiane. While domestic trafficking victims can also be referred to the transit shelter, there were no victims identified by Lao authorities who stayed in the shelter. During the reporting period, at least two Vietnamese women who were sex trafficking victims were identified by Savannakhet provincial units of the anti-trafficking police, and referred to NGOs for assistance and shelter after being housed in a local prison clinic for two weeks. The government subsequently) returned seven Vietnamese sex trafficking victims, including one minor, to the establishment where they had been exploited and government officials withheld their passports after the victims told authorities they did not want to be repatriated to Vietnam. Four of the victims later returned to the police, requesting repatriation assistance. They were repatriated, but Lao authorities refused to follow established Vietnamese procedures meant to ensure the safe and voluntary returns of Vietnamese victims. The government did not prosecute or convict any traffickers in this case and the victims did not agree to testify. Although the government encouraged victims to participate in investigations and prosecutions of trafficking offenders, it did not provide foreign victims legal alternatives for their removal to countries where they may face hardship or retribution (e.g., Vietnam) if they testify, and the Lao government did not offer incentives for foreign victims to

participate in court proceedings. The Lao government occasionally provides office space, land for shelters, and staff to assist in monitoring assistance programs run by NGOs and international organizations.

Prevention

The Lao government continued efforts to prevent trafficking in persons with assistance from international organizations and NGOs. With foreign funding, the government has sponsored media messages on the dangers of trafficking. Also, in December 2008, the Lao Youth Union held a day-long event with workshops, puppet shows, and plays to address child trafficking. The event was led by the Deputy Prime Minister/Minister of National Defense who spoke about the dangers of trafficking. The Government of Laos demonstrated limited efforts to reduce demand for commercial sex acts through periodic raids of nightclubs and discos used as fronts for commercial sex. Due to the rise in tourism in Laos and the efforts in neighboring countries to crackdown on foreign pedophiles, sexual exploitation of local children, Lao government officials and NGOs estimate that child sex tourism is likely to grow in Laos. Laos continued a national campaign to publicize the dangers of child sex tourism in the country, which included the training of tourism sector employees to report suspicious behavior and the display of NGO-created public awareness posters in international hotels.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been

placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for

translation costs should contact their regional bureau,s EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Laos again given a ranking of Tier 2?

A: The Government of Laos does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the last year, the government increased efforts to investigate trafficking offenses and prosecute and punish trafficking offenders. It also sustained collaboration with international organizations and NGOs to provide training for government and law enforcement officials, repatriate and reintegrate Lao victims, and in conducting public awareness campaigns. The government continued to be largely dependent upon the international donor community to fund anti-trafficking activities in the country, though it continued to restrict greatly the activities of NGOs, which impeded progress in anti-trafficking efforts.

Q2: What progress has Laos made in the past year?

A: In 2008, Lao judicial authorities convicted 15 individuals of trafficking. An additional 53 cases are currently under investigation. The Ministry of Labor and Social Welfare (MLSW) and Immigration Department continued to cooperate with IOM, UNIAP, and a local NGO to provide victim assistance. The MLSW, with NGO funding, also continued operating a small transit center in Vientiane, where identified victims returning from Thailand remain for one week before returning home. Laos continued a national campaign to publicize the dangers of child sex tourism in the country, which included the training of tourism sector employees to report suspicious behavior and the display of NGO-created public awareness posters in international hotels.

Q3: What efforts could Laos make to improve its fight against trafficking in persons?

A: The Lao government could: increase efforts to combat internal trafficking, including the prosecution of traffickers and identification of Lao citizens trafficked within the country; create and implement formal victim identification procedures and train police and border officials to identify trafficking victims; increase efforts to combat trafficking-related complicity; implement and support a visible anti-trafficking awareness campaign directed at clients of the sex trade; and improve collaboration with international organizations and civil society to build capacity to combat trafficking in persons.

¶12. The Department appreciates posts, assistance with the preceding action requests.

CLINTON